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*Attorneys for Petitioner Apple Inc.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

APPLE INC.,

Petitioner,

vs.

BYD PRECISION MANUFACTURING CO.,  
LTD. AND BYD COMPANY LIMITED.

## Respondents

Case No. 3:15-cv-04985-RS

**JOINT STIPULATION TO CONTINUE  
HEARING ON APPLE'S MOTION TO  
COMPEL ARBITRATION AND FOR  
PRELIMINARY INJUNCTION AND  
BYD COMPANY LIMITED'S MOTION  
TO DISMISS FOR LACK OF  
PERSONAL JURISDICTION; and**

**[PROPOSED] ORDER**

Hon. Richard Seeborg  
Courtroom: 3, 17th Floor

1 Petitioner Apple Inc. (“Apple”) and Respondents BYD Precision Manufacturing Co., Ltd.  
 2 (“Precision”) and BYD Company Limited (“Limited” and, together with Precision,  
 3 “Respondents”) jointly stipulate, pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, to continue  
 4 the hearing on Apple’s Motion to Compel Arbitration and for Preliminary Injunction (Dkt. 3)  
 5 (the “MTCA”) and Limited’s Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. 34) (the  
 6 “MTD”), currently set for January 28, 2016.

7 WHEREAS, on November 16, 2015, Apple filed a motion with this Court to (1) extend  
 8 the deadline for any opposition to the MTCA from November 17, 2015 to November 24, 2015,  
 9 and (2) extend the deadline for any reply in support of the MTCA from November 24, 2015 to  
 10 December 1, 2015 (Dkt. 24);

11 WHEREAS, this Court granted Apple’s motion to extend time, and rescheduled the  
 12 hearing on the MTCA for December 17, 2015 (Dkt. 25);

13 WHEREAS, on November 23, 2015, Apple and Respondents filed a joint stipulation with  
 14 this Court to (1) extend the deadline for any opposition to the MTCA from November 24, 2015  
 15 to December 8, 2015, (2) extend the deadline for any response to Apple’s Petition for Order  
 16 Compelling Arbitration and for Injunctive Relief Pending Arbitration from November 24, 2015  
 17 to December 8, 2015, (3) extend the deadline for any reply in support of the MTCA from  
 18 December 1, 2015 to December 22, 2015, and (4) continue the hearing on the MTCA from  
 19 December 17, 2015 to January 14, 2016 (Dkt. 26);

20 WHEREAS, this Court granted the parties’ November 23, 2015 joint stipulation to extend  
 21 time without revision (Dkt. 27);

22 WHEREAS, on December 21, 2015 Apple and Respondents filed a joint stipulation with  
 23 this Court to (1) extend the deadline for any reply in support of the MTCA from December 22,  
 24 2015 to January 4, 2016, (2) extend the deadline for any opposition to the MTD from December  
 25 22, 2015 to January 4, 2016, (3) extend the deadline for any reply in support of the MTD from  
 26 December 29, 2015 to January 14, 2016, and (4) continue the hearing on the MTCA and MTD  
 27 from January 14, 2016 to January 28, 2016 (Dkt. 39);

WHEREAS, this Court granted the parties' December 21, 2015 joint stipulation to extend time without revision (Dkt. 41);

WHEREAS, Apple's lead trial counsel must travel from Washington, D.C. to San Francisco for the Court's upcoming hearing and the recent major East Coast blizzard will make such travel extremely difficult this week;

WHEREAS, the presence of Super Bowl 50 in the San Francisco Bay Area will also make such travel inconvenient the following week; and

WHEREAS, all parties reserve fully their prior positions in this proceeding;

Now therefore, the parties, through the undersigned counsel, hereby stipulate that the hearing on the MTCA and MTD be continued to February 11, 2016 or as soon thereafter as may be convenient to the Court.

The parties' proposed time modification would impact the deadlines in this case as follows:

<b>Deadline</b>	<b>Current Date</b>	<b>Requested Date</b>
Hearing on the MTCA and MTD	01/28/2016	02/11/2016

Dated: January 25, 2016

## SIMPSON THACHER & BARTLETT LLP

By: /s/ Harrison J. Frahn IV  
Harrison J. Frahn IV

*Attorneys for Petitioner Apple Inc.*

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ Lance A. Etcheverry  
Lance A. Etcheverry

*Attorneys for Respondents BYD Company Limited and BYD Precision Manufacturing Co., Ltd.*

1 Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this  
2 document has been obtained from the signatories above.

3 /s/ Harrison J. Frahn IV  
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1 **[PROPOSED] ORDER**

2 **PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES, IT IS**  
3 **ORDERED THAT:**

4 • the hearing on Apple's Motion to Compel Arbitration and for Preliminary Injunction and  
5 BYD Company Limited's Motion to Dismiss for Lack of Personal Jurisdiction be  
6 continued from January 28, 2016 to February 11, 2016.

7  
8 DATED: 1/25, 2016



9  
10 The Honorable Richard Seeborg  
11 United States District Court Judge  
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